

To: Costello, Cynthia A (HEALTH)[cynthia.costello@health.ny.gov]; Gavitt, Stephen M (HEALTH)[stephen.gavitt@health.ny.gov]; Rice, Timothy B (DEC)[timothy.rice@dec.ny.gov]
From: Daly, Eric
Sent: Tue 9/13/2016 6:15:54 PM
Subject: RE: 738 Upper Mountain Road & 789 Upper Mountain Road Lewiston NY

Thank Cindy. If I find out more information on the work conducted by that local group, I will pass it on.

From: Costello, Cynthia A (HEALTH) [mailto:cynthia.costello@health.ny.gov]
Sent: Tuesday, September 13, 2016 2:14 PM
To: Daly, Eric <Daly.Eric@epa.gov>; Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>
Subject: RE: 738 Upper Mountain Road & 789 Upper Mountain Road Lewiston NY

Eric...

I'm going to give Mr. Palmieri a call today.

Just for your information, a few years ago, one of the local health physics folks and the law firm sent out a joint letter to a lot of people in the Niagara Falls area offering to do surveys then represent them for possible litigation. We became aware of the letter through a third party, but never heard anything more. We didn't think anyone took them up on the survey offer. Apparently Mr. Palmieri did.

Cindy

Cynthia A. Costello, MS, MPH, CHP

Chief, Radiological Emergency Response Section

Chief, Environmental Radiation/Radon Section

NYS Department of Health

Bureau of Environmental Radiation Protection

Corning Tower, Room 1218

Empire State Plaza

Albany, NY 12237

Phone (518) 402-7556

Fax (518) 402-7554

cynthia.costello@health.ny.gov

****NOTE NEW E-MAIL ADDRESS****

From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]

Sent: Tuesday, September 13, 2016 1:53 PM

To: Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>; Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>

Cc: Costello, Cynthia A (HEALTH) <cynthia.costello@health.ny.gov>

Subject: 738 Upper Mountain Road & 789 Upper Mountain Road Lewiston NY

Importance: High

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Afternoon:

I hope all is well.

I wanted to inform you that I am starting the process of gathering information for the 738 Upper Mountain Road property. This is the property that was referred to

USEPA by NYS and assessed by USEPA Pre-Remedial. My team never evaluated the data or visited the site. After the Schumer letter to our agency administrator, I have been asked to evaluate the same way my team evaluated NFB and HTC. I am reaching out to the property owners as a first step.

I am not sure if you have discussed next steps in regard to the 789 Upper Mountain Road Site but I wanted to pass along information I was provided. Below is email correspondences between the property owner and a law firm. Apparently, this law firm performed assessment work along that road in 2013 and more recently in June. The property owner received no result documents. I can only assume this is a law firm trying to build up momentum for a joint lawsuit. The Mr. Talarico mentioned in the email is the same property owner affiliated with the 738 Upper Mountain Road Property. The driveway is owned by Talarico Bros. Building Corp (TBBC). I will also be contacted them. Please keep me updated with your plans and I will do the same.

Thanks

Email history between Mr. Palmeri and Stamm Law Firm:

From: Brian Stamm <bgstamm@stammlaw.com>

Date: June 20, 2016 at 9:56:09 AM EDT

To: P <ppalmeri75@gmail.com>

Subject: RE: upper mountain road

Phil,

Two weeks ago we surveyed 10 more properties in your neighborhood most of which came back clean except for 2. As for the samples we took from your property, they were analyzed for radioactive material and high amounts were found. They were not sent for the more expensive testing which could help us trace where they originated from. That will be our next phase of work. We recently sent samples from Mr. Talarico's property for testing to confirm that the material is either the same or different than what is on your property. The goal right now is to get as many affected homeowners as possible together as there will be strength in numbers moving forward with litigation to get the properties cleaned up. We hope to have some more answers

shortly and then schedule another meeting.

Brian G. Stamm, Esq.

Stamm Law Firm

1127 Wehrle Drive, Suite 100

Williamsville, New York 14221

(716) 631-5767

From: P [<mailto:ppalmeri75@gmail.com>]
Sent: Thursday, June 16, 2016 12:19 PM
To: Brian Stamm <bgstamm@stammlaw.com>
Subject: Re: upper mountain road

So where are we on this, and whatever became of the samples taken from my property a couple years ago?

-Phil

On May 24, 2016, at 3:49 PM, Brian Stamm <bgstamm@stammlaw.com> wrote:

Mr. Palmeri,

I am not sure if Mr. Talarico reached out to you yet but we had a very productive meeting last night. Many of your neighbors were able to be there and are all interested in having our team come out and inspect their properties same as we did with yours awhile back. We are looking to go out there next week or the week after. After that, we were going to send some samples in for testing to determine exactly what the materials are and who may have produced them many years ago. Those are the next 2 steps in determining who the responsible parties will be. If you have any questions, please let me know.

Brian G. Stamm, Esq.

Stamm Law Firm

1127 Wehrle Drive, Suite 100

Williamsville, New York 14221

(716) 631-5767

From: Gavitt, Stephen M (HEALTH) [<mailto:stephen.gavitt@health.ny.gov>]
Sent: Thursday, September 01, 2016 2:55 PM
To: Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Daly, Eric <Daly.Eric@epa.gov>
Cc: Costello, Cynthia A. (HEALTH) <cynthia.costello@health.ny.gov>
Subject: RE: Radiation/789 Upper Mountain Road Lewiston NY

Same here.

Tim – sounds like a possible joint investigation with possible indoor and outdoor concerns.

From: Rice, Timothy B (DEC)
Sent: Thursday, September 01, 2016 2:36 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>
Subject: RE: Radiation/789 Upper Mountain Road Lewiston NY

Thanks Eric. Will look into this next week.

From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]
Sent: Thursday, September 01, 2016 1:39 PM
To: P <ppalmeri75@gmail.com>
Cc: Rice, Timothy B (DEC) <timothy.rice@dec.ny.gov>; Gavitt, Stephen M (HEALTH) <stephen.gavitt@health.ny.gov>
Subject: Radiation/789 Upper Mountain Road Lewiston NY

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Afternoon Mr. Palmeri:

I am not in the office this week but I wanted to respond to you.

Your property address was not one of the sites referred by the state of NY to my program for assessment. I have copied Tim Rice (NYSDEC) and Steve Gavitt (NYSDOH). Their programs would need to evaluate and determine if a referral to EPA is required.

What agency are you referring to when you wrote "it's been three years since they sampled"?

Thanks.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist

US Environmental Protection Agency- Region II

ERRD/RPB/PPS

2890 Woodbridge Avenue

Edison, NJ 08837

daly.eric@epa.gov

732-321-4350

On Aug 31, 2016, at 5:01 PM, P <ppalmeri75@gmail.com> wrote:

Mr. Daly, I was referred to you by Tim Masters in Lewiston in regards to radioactive materials on our property at 789 Upper Mountain.

Apparently I wasn't on your original list of properties, and have not yet received any information from the town on this issue. The only people who have contacted me have been injury lawyers. They took samples almost three years ago now, and have been scant with details ever since. I would be more than happy to pass along what little they have been telling me.

I happen to work in a field involving radiation, and have access to detection equipment. I used a survey meter to hand-scan my property, and certainly identified several hot-spots in my back yard, and along the property line with 783 Upper Mountain. Most concerning was the highest reading, which I found in my gravel cement sub-cellar.

Please advise on how to proceed.

Thanks

Philip Palmeri

(716)440-8097